

Calendar No. 319

110TH CONGRESS
1ST SESSION

S. 775

To establish a National Commission on the Infrastructure of the United States.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2007

Mr. CARPER (for himself, Mr. VOINOVICH, Mrs. CLINTON, Mr. COLEMAN, Mr. LIEBERMAN, Ms. KLOBUCHAR, Mr. KERRY, and Mr. SCHUMER) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

AUGUST 2, 2007

Reported by Mrs. BOXER, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

A BILL

To establish a National Commission on the Infrastructure of the United States.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Infrastruc-
5 ture Improvement Act of 2007”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) **ACQUISITION.**—The term “acquisition” in-
4 cludes the addition of land, sites, equipment, struc-
5 tures, facilities, or rolling stock by purchase, lease-
6 purchase, trade, or donation.

7 (2) **COMMISSION.**—The term “Commission”
8 means the National Commission on the Infrastruc-
9 ture of the United States established by section 3(a).

10 (3) **CONSTRUCTION.**—The term “construction”
11 means—

12 (A) the design, planning, and erection of
13 new infrastructure;

14 (B) the expansion of existing infrastruc-
15 ture;

16 (C) the reconstruction of an infrastructure
17 project at an existing site; and

18 (D) the installation of initial or replace-
19 ment infrastructure equipment.

20 (4) **INFRASTRUCTURE.**—

21 (A) **IN GENERAL.**—The term “infrastruc-
22 ture” means a nonmilitary structure or facility
23 and equipment associated with that structure or
24 facility.

25 (B) **INCLUSIONS.**—The term “infrastruc-
26 ture” includes—

(i) a surface transportation facility (such as a road, bridge, highway, public transportation facility, and freight and passenger rail), as the Commission, in consultation with the National Surface Transportation Policy and Revenue Study Commission established by section 1909(b)(1) of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109–59, 119 Stat. 1471), determines to be appropriate;

(ii) a mass transit facility;

(iii) an airport or airway facility;

(iv) a resource recovery facility;

(v) a water supply and distribution system;

(vi) a wastewater collection, treatment, and related facility;

(vii) waterways, locks, and dams;

(viii) a levee and any related flood-control facility;

(ix) a dock or port; and

(x) a solid waste disposal facility.

(5) MAINTENANCE.—The term “maintenance” means any regularly scheduled activity, such as a

1 routine repair, intended to ensure that infrastruc-
 2 ture continues to operate efficiently.

3 ~~(6) REHABILITATION.—~~The term “rehabilita-
 4 tion” means—

5 ~~(A) the correction of a deficiency in exist-~~
 6 ~~ing infrastructure so as to extend the useful life~~
 7 ~~or improve the effectiveness of the infrastruc-~~
 8 ~~ture;~~

9 ~~(B) the modernization or replacement of~~
 10 ~~equipment of existing infrastructure; and~~

11 ~~(C) the modernization of, or replacement~~
 12 ~~of parts for, rolling stock relating to infrastruc-~~
 13 ~~ture.~~

14 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

15 ~~(a) ESTABLISHMENT.—~~There is established a com-
 16 mission to be known as the “National Commission on the
 17 Infrastructure of the United States” to ensure that the
 18 infrastructure of the United States—

19 ~~(1) meets current and future demand; and~~

20 ~~(2) facilitates economic growth.~~

21 ~~(b) MEMBERSHIP.—~~

22 ~~(1) COMPOSITION.—~~The Commission shall be
 23 composed of 8 members, of whom—

24 ~~(A) 2 members shall be appointed by the~~
 25 ~~President;~~

1 ~~(B)~~ 2 members shall be appointed by the
 2 Speaker of the House of Representatives;

3 ~~(C)~~ 1 member shall be appointed by the
 4 minority leader of the House of Representa-
 5 tives;

6 ~~(D)~~ 2 members shall be appointed by the
 7 majority leader of the Senate; and

8 ~~(E)~~ 1 member shall be appointed by the
 9 minority leader of the Senate.

10 ~~(2)~~ QUALIFICATIONS.—Each member of the
 11 Commission shall have experience in 1 or more of
 12 the fields of economics, public administration, civil
 13 engineering, public works, construction, and related
 14 design professions, planning, or public investment fi-
 15 nancing.

16 ~~(3)~~ DATE OF APPOINTMENTS.—The members
 17 of the Commission shall be appointed under para-
 18 graph ~~(1)~~ not later than 90 days after the enact-
 19 ment of this Act.

20 ~~(c)~~ TERM; VACANCIES.—

21 ~~(1)~~ TERM.—A member shall be appointed for
 22 the life of the Commission.

23 ~~(2)~~ VACANCIES.—A vacancy in the Commis-
 24 sion—

1 (A) shall not affect the powers of the Com-
2 mission; and

3 (B) shall be filled, not later than 30 days
4 after the date on which the vacancy occurs, in
5 the same manner as the original appointment
6 was made.

7 (d) INITIAL MEETING.—Not later than 30 days after
8 the date on which all members of the Commission have
9 been appointed, the Commission shall hold the initial
10 meeting of the Commission.

11 (e) MEETINGS.—The Commission shall meet at the
12 call of the Chairperson or the majority of the Commission
13 members.

14 (f) QUORUM.—A majority of the members of the
15 Commission shall constitute a quorum, but a lesser num-
16 ber of members may hold hearings.

17 (g) CHAIRPERSON AND VICE CHAIRPERSON.—The
18 Commission shall select a Chairperson and Vice Chair-
19 person from among the members of the Commission.

20 **SEC. 4. DUTIES.**

21 (a) STUDY.—

22 (1) IN GENERAL.—Not later than February 15,
23 2009, the Commission, in consultation with the advi-
24 sory group established by paragraph (3)(A), shall

1 complete a study of all matters relating to the state
2 of the infrastructure of the United States.

3 ~~(2) MATTERS TO BE STUDIED.~~—In carrying out
4 paragraph (1), the Commission shall study matters
5 such as—

6 ~~(A) the capacity of infrastructure improve-~~
7 ~~ments to sustain current and anticipated eco-~~
8 ~~nomie development and competitiveness, includ-~~
9 ~~ing long-term economic growth, including the~~
10 ~~potential return to the United States economy~~
11 ~~on investments in new infrastructure as op-~~
12 ~~posed to investments in existing infrastructure;~~

13 ~~(B) the age and condition of public infra-~~
14 ~~structure (including congestion and changes in~~
15 ~~the condition of that infrastructure as com-~~
16 ~~pared with preceding years);~~

17 ~~(C) the methods used to finance the con-~~
18 ~~struction, acquisition, rehabilitation, and main-~~
19 ~~tenance of public works improvements (includ-~~
20 ~~ing general obligation bonds, tax-credit bonds,~~
21 ~~revenue bonds, user fees, excise taxes, direct~~
22 ~~governmental assistance, and private invest-~~
23 ~~ment), including the effect of different finance~~
24 ~~structures on the efficiency of infrastructure;~~

1 ~~(D)~~ any trends or innovations in methods
 2 used to finance that construction, acquisition,
 3 rehabilitation, and maintenance;

4 ~~(E)~~ investment requirements, by type of
 5 facility, that are necessary to maintain the cur-
 6 rent condition and performance of those facili-
 7 ties and the investment needed (as adjusted for
 8 inflation and expressed in real dollars) to im-
 9 prove those facilities in the future;

10 ~~(F)(i)~~ the projected share of Federal,
 11 State, local, and other government levels of in-
 12 vestment requirements as identified in subpara-
 13 graph ~~(E)~~; and

14 (ii) the projected expenditure on infra-
 15 structure facility improvements described in
 16 subparagraph ~~(E)~~ by each level of government;

17 ~~(G)~~ estimates of the return to the economy
 18 from public works investment;

19 ~~(H)~~ any trends or innovations in infra-
 20 structure procurement methods;

21 ~~(I)~~ any trends or innovations in construc-
 22 tion methods or materials; and

23 ~~(J)~~ the impact of various land use and eco-
 24 nomic development strategies on infrastructure
 25 needs and investment decisions, including the

1 effect of metropolitan growth patterns on infra-
2 structure costs and deferred maintenance.

3 ~~(b) RECOMMENDATIONS.—The Commission shall de-~~
4 ~~velop recommendations—~~

5 ~~(1) on a Federal infrastructure plan that will~~
6 ~~detail national infrastructure program priorities, in-~~
7 ~~cluding alternative methods of meeting national in-~~
8 ~~frastructure investment needs to effectuate balanced~~
9 ~~growth and economic development;~~

10 ~~(2) on public works improvements and methods~~
11 ~~of delivering and providing for public work facilities;~~

12 ~~(3) for analysis or criteria and procedures that~~
13 ~~may be used by Federal agencies and State and local~~
14 ~~governments in—~~

15 ~~(A) inventorying existing and needed pub-~~
16 ~~lie works improvements;~~

17 ~~(B) assessing the condition of public works~~
18 ~~improvements; and~~

19 ~~(C) developing uniform criteria and proce-~~
20 ~~dures for use in conducting those inventories~~
21 ~~and assessments; and~~

22 ~~(4) for proposed guidelines for the uniform re-~~
23 ~~porting, by Federal agencies, of construction, acqui-~~
24 ~~sition, rehabilitation, and maintenance data with re-~~
25 ~~spect to infrastructure improvements.~~

1 (c) ~~STATEMENT AND RECOMMENDATIONS.~~—Not
 2 later than February 15, 2010, the Commission shall sub-
 3 mit to Congress—

4 (1) a detailed statement of the findings and
 5 conclusions of the Commission; and

6 (2) the recommendations of the Commission
 7 under subsection (b), including recommendations for
 8 such legislation and administrative actions for 5-,
 9 15-, 30-, and 50-year time periods as the Commis-
 10 sion considers to be appropriate.

11 **SEC. 5. POWERS OF THE COMMISSION.**

12 (a) ~~HEARINGS.~~—The Commission shall hold such
 13 hearings, meet and act at such times and places, take such
 14 testimony, administer such oaths, and receive such evi-
 15 dence as the Commission considers advisable to carry out
 16 this Act.

17 (b) ~~INFORMATION FROM FEDERAL AGENCIES.~~—

18 (1) ~~IN GENERAL.~~—The Commission may secure
 19 directly from a Federal agency such information as
 20 the Commission considers necessary to carry out this
 21 Act.

22 (2) ~~PROVISION OF INFORMATION.~~—On request
 23 of the Chairperson of the Commission, the head of
 24 the Federal agency shall provide the information to
 25 the Commission.

1 (e) GIFTS.—The Commission may accept, use, and
2 dispose of gifts or donations of services or property.

3 (d) CONTRACTS.—The Commission may enter into
4 contracts with other entities, including contracts under
5 which 1 or more entities, with the guidance of the Com-
6 mission, conduct the study required under section 4(a).

7 (e) POSTAL SERVICES.—The Commission may use
8 the United States mails in the same manner and under
9 the same conditions as other agencies of the Federal Gov-
10 ernment.

11 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

12 (a) COMPENSATION OF MEMBERS.—A member of the
13 Commission shall serve without pay, but shall be allowed
14 a per diem allowance for travel expenses, at rates author-
15 ized for an employee of an agency under subchapter I of
16 chapter 57 of title 5, United States Code, while away from
17 the home or regular place of business of the member in
18 the performance of the duties of the Commission.

19 (b) STAFF.—

20 (1) IN GENERAL.—The Chairperson of the
21 Commission may, without regard to the civil service
22 laws, including regulations, appoint and terminate
23 an executive director and such other additional per-
24 sonnel as are necessary to enable the Commission to
25 perform the duties of the Commission.

1 ~~(2) CONFIRMATION OF EXECUTIVE DIREC-~~
 2 ~~TOR.—The employment of an executive director shall~~
 3 ~~be subject to confirmation by a majority of the mem-~~
 4 ~~bers of the Commission.~~

5 ~~(3) COMPENSATION.—~~

6 ~~(A) IN GENERAL.—Except as provided in~~
 7 ~~subparagraph (B), the Chairperson of the Com-~~
 8 ~~mission may fix the compensation of the execu-~~
 9 ~~tive director and other personnel without regard~~
 10 ~~to the provisions of chapter 51 and subchapter~~
 11 ~~III of chapter 53 of title 5, United States Code,~~
 12 ~~relating to classification of positions and Gen-~~
 13 ~~eral Schedule pay rates.~~

14 ~~(B) MAXIMUM RATE OF PAY.—In no event~~
 15 ~~shall any employee of the Commission (other~~
 16 ~~than the executive director) receive as com-~~
 17 ~~pensation an amount in excess of the maximum~~
 18 ~~rate of pay for Executive Level IV under sec-~~
 19 ~~tion 5315 of title 5, United States Code.~~

20 ~~(c) DETAIL OF FEDERAL GOVERNMENT EMPLOY-~~
 21 ~~EES.—~~

22 ~~(1) IN GENERAL.—An employee of the Federal~~
 23 ~~Government may be detailed to the Commission~~
 24 ~~without reimbursement.~~

1 (2) CIVIL SERVICE STATUS.—The detail of a
 2 Federal employee shall be without interruption or
 3 loss of civil service status or privilege.

4 (d) PROCUREMENT OF TEMPORARY AND INTERMIT-
 5 TENT SERVICES.—On request of the Commission, the Sec-
 6 retary of the Army, acting through the Chief of Engineers,
 7 shall provide, on a reimbursable basis, such office space,
 8 supplies, equipment, and other support services to the
 9 Commission and staff of the Commission as are necessary
 10 for the Commission to carry out the duties of the Commis-
 11 sion under this Act.

12 **SEC. 7. CONGRESSIONAL BUDGET OFFICE REVIEW.**

13 Not later than 90 days after the date on which the
 14 report under section 4(e) is submitted to Congress by the
 15 Commission, the Congressional Budget Office shall review
 16 the report and submit a report on the results of the review
 17 to the Committee on Environment and Public Works and
 18 the Committee on Commerce, Science, and Transportation
 19 of the Senate and the Committee on Transportation and
 20 Infrastructure of the House of Representatives.

21 **SEC. 8. FUNDING.**

22 For each of fiscal years 2008 through 2010, on re-
 23 quest of the Commission—

1 (1) the Secretary of Transportation shall trans-
 2 fer to the Commission \$750,000 to carry out this
 3 Act; and

4 (2) each of the Secretary of the Army, acting
 5 through the Chief of Engineers, and the Adminis-
 6 trator of the Environmental Protection Agency shall
 7 transfer to the Commission \$375,000 to carry out
 8 this Act.

9 **SEC. 9. TERMINATION OF COMMISSION.**

10 The Commission shall terminate on September 30,
 11 2010.

12 **SECTION 1. SHORT TITLE.**

13 *This Act may be cited as the “National Infrastructure*
 14 *Improvement Act of 2007”.*

15 **SEC. 2. DEFINITIONS.**

16 *In this Act:*

17 (1) *ACQUISITION.*—*The term “acquisition” in-*
 18 *cludes any necessary activities for siting a facility,*
 19 *equipment, structures, or rolling stock by purchase,*
 20 *lease-purchase, trade, or donation.*

21 (2) *COMMISSION.*—*The term “Commission”*
 22 *means the National Commission on the Infrastructure*
 23 *of the United States established by section 3(a).*

24 (3) *CONSTRUCTION.*—*The term “construction”*
 25 *means—*

1 (A) *the design, planning, and erection of*
 2 *new infrastructure;*

3 (B) *the expansion of existing infrastructure;*

4 (C) *the reconstruction of an infrastructure*
 5 *project at an existing site; and*

6 (D) *the installation of initial or replace-*
 7 *ment infrastructure equipment.*

8 (4) *INFRASTRUCTURE.—*

9 (A) *IN GENERAL.—The term “infrastruc-*
 10 *ture” means a nonmilitary structure or facility,*
 11 *and any equipment and any nonstructural ele-*
 12 *ments associated with such a structure or facil-*
 13 *ity.*

14 (B) *INCLUSIONS.—The term “infrastruc-*
 15 *ture” includes—*

16 (i) *a surface transportation facility*
 17 *(such as a road, bridge, highway, public*
 18 *transportation facility, and freight and pas-*
 19 *senger rail), as the Commission, in con-*
 20 *sultation with the National Surface Trans-*
 21 *portation Policy and Revenue Study Com-*
 22 *mission established by section 1909(b)(1) of*
 23 *the Safe, Accountable, Flexible, Efficient*
 24 *Transportation Equity Act: A Legacy for*

1 *Users (Public Law 109–59; 119 Stat. 1471),*
 2 *determines to be appropriate;*

3 *(ii) a mass transit facility;*

4 *(iii) an airport or airway facility;*

5 *(iv) a resource recovery facility;*

6 *(v) a water supply and distribution*
 7 *system;*

8 *(vi) a wastewater collection, convey-*
 9 *ance, or treatment system, and related fa-*
 10 *cilities;*

11 *(vii) a stormwater treatment system to*
 12 *manage, reduce, treat, or reuse municipal*
 13 *stormwater;*

14 *(viii) waterways, locks, dams, and as-*
 15 *sociated facilities;*

16 *(ix) a levee and any related flood dam-*
 17 *age reduction facility;*

18 *(x) a dock or port; and*

19 *(xi) a solid waste disposal facility.*

20 (5) *NONSTRUCTURAL ELEMENTS.—The term*
 21 *“nonstructural elements” includes —*

22 *(A) any feature that preserves and restores*
 23 *a natural process, a landform (including a flood-*
 24 *plain), a natural vegetated stream side buffer,*
 25 *wetland, or any other topographical feature that*

1 *can slow, filter, and naturally store storm water*
 2 *runoff and flood waters;*

3 *(B) any natural design technique that per-*
 4 *colates, filters, stores, evaporates, and detains*
 5 *water close to the source of the water; and*

6 *(C) any feature that minimizes or dis-*
 7 *connects impervious surfaces to slow runoff or*
 8 *allow precipitation to percolate.*

9 (6) *MAINTENANCE.*—*The term “maintenance”*
 10 *means any regularly scheduled activity, such as a*
 11 *routine repair, intended to ensure that infrastructure*
 12 *continues to operate efficiently and as intended.*

13 (7) *REHABILITATION.*—*The term “rehabilita-*
 14 *tion” means an action to extend the useful life or im-*
 15 *prove the effectiveness of existing infrastructure, in-*
 16 *cluding—*

17 *(A) the correction of a deficiency;*

18 *(B) the modernization or replacement of*
 19 *equipment;*

20 *(C) the modernization of, or replacement of*
 21 *parts for, rolling stock relating to infrastructure;*

22 *(D) the use of nonstructural elements; and*

23 *(E) the removal of infrastructure that is de-*
 24 *teriorated or no longer useful.*

1 **SEC. 3. ESTABLISHMENT OF COMMISSION.**

2 (a) *ESTABLISHMENT.*—*There is established a commis-*
 3 *sion to be known as the “National Commission on the Infra-*
 4 *structure of the United States” to ensure that the infrastruc-*
 5 *ture of the United States—*

6 (1) *meets current and future demand;*

7 (2) *facilitates economic growth;*

8 (3) *is maintained in a manner that ensures pub-*
 9 *lic safety; and*

10 (4) *is developed or modified in a sustainable*
 11 *manner.*

12 (b) *MEMBERSHIP.*—

13 (1) *COMPOSITION.*—*The Commission shall be*
 14 *composed of 8 members, of whom—*

15 (A) *2 members shall be appointed by the*
 16 *President;*

17 (B) *2 members shall be appointed by the*
 18 *Speaker of the House of Representatives;*

19 (C) *1 member shall be appointed by the mi-*
 20 *nority leader of the House of Representatives;*

21 (D) *2 members shall be appointed by the*
 22 *majority leader of the Senate; and*

23 (E) *1 member shall be appointed by the mi-*
 24 *nority leader of the Senate.*

25 (2) *QUALIFICATIONS.*—*Each member of the Com-*
 26 *mission shall—*

1 (A) have experience in 1 or more of the
 2 fields of economics, public administration, civil
 3 engineering, public works, construction, and re-
 4 lated design professions, planning, public invest-
 5 ment financing, environmental engineering, or
 6 water resources engineering; and

7 (B) represent a cross-section of geographical
 8 regions of the United States.

9 (3) *DATE OF APPOINTMENTS.*—The members of
 10 the Commission shall be appointed under paragraph
 11 (1) not later than 90 days after the enactment of this
 12 Act.

13 (c) *TERM; VACANCIES.*—

14 (1) *TERM.*—A member shall be appointed for the
 15 life of the Commission.

16 (2) *VACANCIES.*—A vacancy in the Commis-
 17 sion—

18 (A) shall not affect the powers of the Com-
 19 mission; and

20 (B) shall be filled, not later than 30 days
 21 after the date on which the vacancy occurs, in
 22 the same manner as the original appointment
 23 was made.

24 (d) *INITIAL MEETING.*—Not later than 30 days after
 25 the date on which all members of the Commission have been

1 *appointed, the Commission shall hold the initial meeting*
 2 *of the Commission.*

3 *(e) MEETINGS.—The Commission shall meet at the call*
 4 *of the Chairperson or the request of the majority of the Com-*
 5 *mission members.*

6 *(f) QUORUM.—A majority of the members of the Com-*
 7 *mission shall constitute a quorum, but a lesser number of*
 8 *members may hold hearings.*

9 *(g) CHAIRPERSON AND VICE CHAIRPERSON.—The*
 10 *Commission shall select a Chairperson and Vice Chair-*
 11 *person from among the members of the Commission.*

12 **SEC. 4. DUTIES.**

13 *(a) STUDY.—*

14 *(1) IN GENERAL.—Not later than February 15,*
 15 *2009, the Commission shall complete a study of all*
 16 *matters relating to the state of the infrastructure of*
 17 *the United States.*

18 *(2) MATTERS TO BE STUDIED.—In carrying out*
 19 *paragraph (1), the Commission shall study matters*
 20 *such as—*

21 *(A) the capacity of infrastructure to sustain*
 22 *current and anticipated economic development*
 23 *and competitiveness, including long-term eco-*
 24 *nomics growth, including the potential return to*
 25 *the United States economy on investments in*

1 *new infrastructure as opposed to investments in*
2 *existing infrastructure;*

3 *(B) the age and condition of public infra-*
4 *structure (including congestion and changes in*
5 *the condition of that infrastructure as compared*
6 *with preceding years);*

7 *(C) the methods used to finance the con-*
8 *struction, acquisition, rehabilitation, and main-*
9 *tenance of infrastructure (including general obli-*
10 *gation bonds, tax-credit bonds, revenue bonds,*
11 *user fees, excise taxes, direct governmental assist-*
12 *ance, and private investment);*

13 *(D) any trends or innovations in methods*
14 *used to finance the construction, acquisition, re-*
15 *habilitation, and maintenance of infrastructure;*

16 *(E) investment requirements, by type of in-*
17 *frastructure, that are necessary to maintain the*
18 *current condition and performance of the infra-*
19 *structure and the investment needed (adjusted for*
20 *inflation and expressed in real dollars) to im-*
21 *prove infrastructure in the future;*

22 *(F) based on the current level of expenditure*
23 *(calculated as a percentage of total expenditure*
24 *and in constant dollars) by Federal, State, and*
25 *local governments—*

1 (i) the projected amount of need the ex-
 2 penditures will meet 5, 15, 30, and 50 years
 3 after the date of enactment of this Act; and

4 (ii) the levels of investment require-
 5 ments, as identified under subparagraph
 6 (E);

7 (G) any trends or innovations in infra-
 8 structure procurement methods;

9 (H) any trends or innovations in construc-
 10 tion methods or materials for infrastructure;

11 (I) the impact of local development patterns
 12 on demand for Federal funding of infrastructure;

13 (J) the impact of deferred maintenance; and

14 (K) the collateral impact of deteriorated in-
 15 frastructure.

16 (b) *RECOMMENDATIONS.*—The Commission shall de-
 17 velop recommendations—

18 (1) on a Federal infrastructure plan that will
 19 detail national infrastructure program priorities, in-
 20 cluding alternative methods of meeting national in-
 21 frastructure investment needs to effectuate balanced
 22 economic development;

23 (2) on infrastructure improvements and methods
 24 of delivering and providing for infrastructure facili-
 25 ties;

1 (3) *for analysis or criteria and procedures that*
 2 *may be used by Federal agencies and State and local*
 3 *governments in—*

4 (A) *inventorying existing and needed infra-*
 5 *structure improvements;*

6 (B) *assessing the condition of infrastructure*
 7 *improvements;*

8 (C) *developing uniform criteria and proce-*
 9 *dures for use in conducting the inventories and*
 10 *assessments; and*

11 (D) *maintaining publicly accessible data;*
 12 *and*

13 (4) *for proposed guidelines for the uniform re-*
 14 *porting, by Federal agencies, of construction, acquisi-*
 15 *tion, rehabilitation, and maintenance data with re-*
 16 *spect to infrastructure improvements.*

17 (c) *STATEMENT AND RECOMMENDATIONS.—Not later*
 18 *than February 15, 2010, the Commission shall submit to*
 19 *Congress—*

20 (1) *a detailed statement of the findings and con-*
 21 *clusions of the Commission; and*

22 (2) *the recommendations of the Commission*
 23 *under subsection (b), including recommendations for*
 24 *such legislation and administrative actions for 5-,*

1 15-, 30-, and 50-year time periods as the Commission
2 considers to be appropriate.

3 **SEC. 5. POWERS OF THE COMMISSION.**

4 (a) *HEARINGS.*—The Commission shall hold such hear-
5 ings, meet and act at such times and places, take such testi-
6 mony, administer such oaths, and receive such evidence as
7 the Commission considers advisable to carry out this Act.

8 (b) *INFORMATION FROM FEDERAL AGENCIES.*—

9 (1) *IN GENERAL.*—The Commission may secure
10 directly from a Federal agency such information as
11 the Commission considers necessary to carry out this
12 Act.

13 (2) *PROVISION OF INFORMATION.*—On request of
14 the Chairperson of the Commission, the head of the
15 Federal agency shall provide the information to the
16 Commission.

17 (c) *GIFTS.*—The Commission may accept, use, and dis-
18 pose of gifts or donations of services or property.

19 (d) *CONTRACTS.*—The Commission may enter into
20 contracts with other entities, including contracts under
21 which 1 or more entities, with the guidance of the Commis-
22 sion, conduct the study required under section 4(a).

23 (e) *POSTAL SERVICES.*—The Commission may use the
24 United States mails in the same manner and under the

1 *same conditions as other agencies of the Federal Govern-*
 2 *ment.*

3 **SEC. 6. COMMISSION PERSONNEL MATTERS.**

4 (a) *COMPENSATION OF MEMBERS.*—A member of the
 5 Commission shall serve without pay, but shall be allowed
 6 a per diem allowance for travel expenses, at rates author-
 7 ized for an employee of an agency under subchapter I of
 8 chapter 57 of title 5, United States Code, while away from
 9 the home or regular place of business of the member in the
 10 performance of the duties of the Commission.

11 (b) *STAFF.*—

12 (1) *IN GENERAL.*—The Chairperson of the Com-
 13 mission may, without regard to the civil service laws,
 14 including regulations, appoint and terminate an exec-
 15 utive director and such other additional personnel as
 16 are necessary to enable the Commission to perform the
 17 duties of the Commission.

18 (2) *CONFIRMATION OF EXECUTIVE DIRECTOR.*—
 19 The employment of an executive director shall be sub-
 20 ject to confirmation by a majority of the members of
 21 the Commission.

22 (3) *COMPENSATION.*—

23 (A) *IN GENERAL.*—Except as provided in
 24 subparagraph (B), the Chairperson of the Com-
 25 mission may fix the compensation of the execu-

1 *tive director and other personnel without regard*
 2 *to the provisions of chapter 51 and subchapter*
 3 *III of chapter 53 of title 5, United States Code,*
 4 *relating to classification of positions and Gen-*
 5 *eral Schedule pay rates.*

6 *(B) MAXIMUM RATE OF PAY.—In no event*
 7 *shall any employee of the Commission (other*
 8 *than the executive director) receive as compensa-*
 9 *tion an amount in excess of the maximum rate*
 10 *of pay for Executive Level IV under section 5315*
 11 *of title 5, United States Code.*

12 *(c) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—*

13 *(1) IN GENERAL.—An employee of the Federal*
 14 *Government may be detailed to the Commission with-*
 15 *out reimbursement.*

16 *(2) CIVIL SERVICE STATUS.—The detail of a*
 17 *Federal employee shall be without interruption or loss*
 18 *of civil service status or privilege.*

19 *(d) PROCUREMENT OF TEMPORARY AND INTERMIT-*
 20 *TENT SERVICES.—On request of the Commission, the Sec-*
 21 *retary of the Army, acting through the Chief of Engineers,*
 22 *shall provide, on a reimbursable basis, such office space,*
 23 *supplies, equipment, and other support services to the Com-*
 24 *mission and staff of the Commission as are necessary for*

1 *the Commission to carry out the duties of the Commission*
 2 *under this Act.*

3 **SEC. 7. CONGRESSIONAL BUDGET OFFICE REVIEW.**

4 *Not later than 90 days after the date on which the re-*
 5 *port under section 4(c) is submitted to Congress by the*
 6 *Commission, the Congressional Budget Office shall review*
 7 *the report and submit a report on the results of the review*
 8 *to—*

9 *(1) the Committees on Environment and Public*
 10 *Works, Energy and Natural Resources, and Com-*
 11 *merce, Science, and Transportation of the Senate;*
 12 *and*

13 *(2) the Committees on Transportation and Infra-*
 14 *structure and Natural Resources of the House of Rep-*
 15 *resentatives.*

16 **SEC. 8. REPORTS.**

17 *(a) INTERIM REPORTS.—Not later than 1 year after*
 18 *the date of the initial meeting of the Commission, the Com-*
 19 *mission shall submit an interim report containing a de-*
 20 *tailed summary of the progress of the Commission, includ-*
 21 *ing meetings and hearings conducted during the interim pe-*
 22 *riod, to—*

23 *(1) the President;*

1 (2) *the Committees on Transportation and Infra-*
 2 *structure and Natural Resources of the House of Rep-*
 3 *resentatives; and*

4 (3) *the Committees on Environment and Public*
 5 *Works, Energy and Natural Resources, and Com-*
 6 *merce, Science, and Transportation of the Senate.*

7 (b) *FINAL REPORT.*—*On termination of the Commis-*
 8 *sion under section 10, the Commission shall submit a final*
 9 *report containing a detailed statement of the findings and*
 10 *conclusions of the Commission and recommendations for*
 11 *legislation and other policies to implement those findings*
 12 *and conclusions, to—*

13 (1) *the President;*

14 (2) *the Committees on Transportation and Infra-*
 15 *structure and Natural Resources of the House of Rep-*
 16 *resentatives; and*

17 (3) *the Committees on Environment and Public*
 18 *Works, Energy and Natural Resources, and Com-*
 19 *merce, Science, and Transportation of the Senate.*

20 (c) *TRANSPARENCY.*—*A report submitted under sub-*
 21 *section (a) or (b) shall be made available to the public elec-*
 22 *tronically, in a user-friendly format, including on the*
 23 *Internet.*

1 **SEC. 9. FUNDING.**

2 *For each of fiscal years 2008 through 2010, upon re-*
3 *quest by the Commission—*

4 *(1) using amounts made available to the Sec-*
5 *retary of Transportation from any source or account*
6 *other than the Highway Trust Fund, the Secretary of*
7 *Transportation shall transfer to the Commission*
8 *\$750,000 for use in carrying out this Act;*

9 *(2) using amounts from the General Expenses*
10 *account of the Corps of Engineers (other than*
11 *amounts in that account made available through the*
12 *Department of Defense), the Secretary of the Army,*
13 *acting through the Chief of Engineers, shall transfer*
14 *to the Commission \$250,000 for use in carrying out*
15 *this Act; and*

16 *(3) the Administrator of the Environmental Pro-*
17 *tection Agency shall transfer to the Commission*
18 *\$250,000 for use in carrying out this Act.*

19 **SEC. 10. TERMINATION OF COMMISSION.**

20 *The Commission shall terminate on September 30,*
21 *2010.*

Calendar No. 319

110TH CONGRESS
1ST Session

S. 775

A BILL

To establish a National Commission on the
Infrastructure of the United States.

August 2, 2007

Reported with an amendment